

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

FRANCISCO SARCOS,
Plaintiff,
vs.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

) Case No. 2:21-cv-00190-JDL
) STIPULATION FOR THE AWARD AND
) PAYMENT OF ATTORNEY FEES AND
) EXPENSES PURSUANT TO THE EQUAL
) ACCESS TO JUSTICE ACT, 28 U.S.C.
) § 2412(d); ORDER
) ECF Nos. 23, 24
)
)
)
)
)
)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of four thousand two hundred forty two dollars and three cents (\$4,242.03) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
2 the matter of Plaintiff's assignment of EAJA fees to counsel, Jesse S. Kaplan. Pursuant to
3 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to
4 honor the assignment will depend on whether the fees are subject to any offset allowed under
5 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
6 is entered, the government will determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, then the government shall cause the
9 payment of fees and expenses to be made directly to Mr. Kaplan, pursuant to the assignment
10 executed by Plaintiff. Any payments made shall be delivered to Mr. Kaplan.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees, and does not constitute an admission of liability on the part of Defendant under
13 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
14 from, and bar to, any and all claims that Plaintiff and/or Jesse S. Kaplan including may have
15 relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Mr. Kaplan to seek Social Security Act
17 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

18 This stipulation is intended to terminate the motion filed by Plaintiff at Dkt. No. 23.

19
20 Respectfully submitted,

21 Dated: March 15, 2022

22 /s/ Jesse S. Kaplan*

23 (*as authorized via email on March 15, 2022)
24 JESSE S. KAPLAN
25 Attorney for Plaintiff
26
27
28

1 Dated: March 15, 2022

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
Social Security Administration

4 By: */s/ Allison J. Cheung*
5 ALLISON J. CHEUNG
6 Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Pursuant to the above Stipulation, ECF No. 24, and for good cause shown, it is ordered that plaintiff be awarded attorney fees and expenses in the amount of four thousand two hundred forty-two dollars and three cents (\$4,242.03) under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. Plaintiff's motion for attorney fees, ECF No. 23, is granted as consistent with this stipulation.

IT IS SO ORDERED.

Dated: March 28, 2022

Jeremy Peterson
JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE